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OCA#86-1581

28 May 1986

MEMORANDUM FOR THE RECORD

SUBJECT: Government Exception to S. 1815 -  
Various Conversations

1. From 7 May through 12 May 1986, I had conversations with the following individuals concerning the exception to S. 1815 (the bill to ban the private use of polygraphs) for the government and government contractors: Kevin McGuinness, Counsel (Majority), Senate Labor & Human Relations Committee; Jack Perkins, Legislative Counsel, Department of Justice, Ric Cinquegrana, Counsel, Office of Intelligence Policy, Justice, and Britt Snyder, Department of Defense (DoD). These discussions followed extensive earlier discussions on the bill.

2. Mr. McGuinness is the Committee staff member responsible for S. 1815. I proposed to him an exemption which had been drafted by the Department of Justice and this office with input from all interested federal agencies. We refined the proposal in further discussions. The final proposal was then reviewed with Messrs. Perkins and Cinquegrana and agreement was reached on the attached version on Friday, May 9th.

3. On Monday, 12 May, Mr. McGuinness called to say that Senator Kennedy's staff (the Senator is the Committee's Ranking Minority Member) had recommended the addition of the following proviso:

Nothing in this section shall be construed to expand or amend the polygraph program authorized in the Department of Defense Authorization Act for Fiscal Year 1986.

4. After discussions with Messrs. Perkins, Cinquegrana and Synder, I indicated to Mr. McGuiness that there was no objection to this provision. I suggested that he include report language to the effect that the purpose of the provision was merely to preserve the "status quo" reached in the summer of 1985 on the DoD FY '86 authorization bill with respect to the DoD polygraph program. He agreed to do so.

5. The "markup" of S. 1815 by the Committee will be on Wednesday, 14 May 1986.

Legislation Division  
Office of Congressional Affairs

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AMENDMENT TO S. 1815

On page 4, strike lines 16 through 25 and insert in lieu thereof the following:

Sec. 8. The provisions of this Act shall not apply with respect to --

(1) the United States, a State government, city or any political subdivision of a State or city or any employee thereof;

(2) the personnel of a contractor to the Central Intelligence Agency or the National Security Agency; or

(3) those personnel of a contractor to the Department of Defense, the Department of Energy, the Department of State, the Federal Bureau of Investigation, the Department of the Treasury or any other federal agencies or departments, who would have access to classified or cryptographic information or to locations where classified or cryptographical information is stored, processed or produced.